Agn (1955) Dept

& Memo. no

9067 AIV/53-10 Part

Backpost:
Memo T602 BV/53
Agn dt 9.8.56.

Dated 6.2.'56 (20)

Committee – South Kanara Municipal Committee – Constitution of elected members – printing of Electoral Rolls and publication – certain legal points – instructions – requested

C.F. 32 ( )—70,10,558 - 50-1 56.

Agricultural Department

From (Name) Sri M.S. Sivaraman, I.C.S.

Designation Director of Agriculture,

Station Madras.5.

Received ——— Registered ———

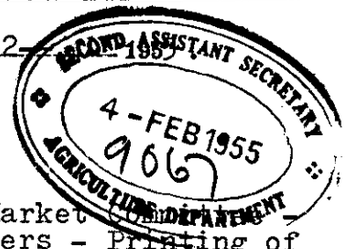
To

The Secretary to Government,
Agriculture Department,
Fort St. George, Madras.

Enclosures:

No. C.1.1934/54, dated 2--2-- 1955

Sir,



Sub: Committees - South Kanara Market Committee constitution by elected members - Printing of Electoral Rolls and publication - certain legal points - instructions - requested -

--

I submit herewith a copy of letter No.A.5.26053/54 dated 21--1--55 from the Collector of South Kanara, Mangalore together with a copy of letter No.9/51 dated 18--1--55 from the Secretary, South Kanara Market Committee, Mangalore referred to therein requesting orders of Government whether the work connected with (i) the preparation and publication of the electoral rolls and (ii) the Election of the members to the South Kanara Market Committee could be proceeded with or not in view of the writ petition filed by the traders.

2. In this connection I invite attention to my letter C.1.124/55 dated 1--2--55 requesting instructions on the writ petitions filed by the traders.

3. The printing of electoral rolls and other election procedure would cost a tidy amount - upto Rs. 30/- or 40~~xx~~ thousand sometimes. With a writ petition hanging it may not be expedient to incur any liabilities for the present. The Collector may in the circumstances, be instructed to hold further proceedings as to elections in abeyance. I request that Government may be pleased to issue immediate instructions on the points raised by the Collector of South Kanara.

Sd. V. Satagopan
for Director of Agriculture.

/By order/

Myd. 2.2.

K. C. [illegible]
3.2.55
Assistant Marketing Officer.

Read: Letter No.Roc.No.9/51 dated 18-1-1955 from the Secretary, The South Kanara Market Committee, Mangalore-1. to the Collector of South Kanara, Mangalore -

-o-

Sub: Committees - Market Committees - Reconstitution by elected members - printing of electoral rolls etc - Certain legal points to be examined again -

-o-

Ref: Collector's proceedings No.A.5-26053/54 dated 21-12-1954 and 29-12-1954.

(2) Government Memo.No.7602.BIV/53-6 dated 9-8-54 copied to the Collector of South Kanara in Director's Endt.D.Dis.C.702/53 dated 17-8-54 with reference No.A.5-25085/53 dated 6-6-1954.

(3) Government Memo.No.11862/B.IV/54-1 Agriculture dated 28-9-1954 copied to Collector.

The work in connection with the reconstitution of this Market Committee by elected members has been taken up by the Collector on the legal clarification given in the Government Memo.cited (3) above. Preliminary publication of the electoral rolls etc. and the date for the publication of the final electoral rolls have been duly fixed and the work is in progress.

But, there is still found to be some legal points to be considered. This committee on the strength of the amended Act, Madras Act XXVI of 1954, prosecuted four arecanut dealers of Mangalore for continued contravention of section 5 of the

Act(that is continuing to trade in a notified crop in the notified area without the necessary licences). When the cases were taken up for trial on 15-1-1955 in the Court of the Judicial District Magistrate, Mangalore, they were adjourned to 21-2-1955 on the ground that an interim stay of these proceedings has been ordered by the high Court on the writ petition filed by these ~~ordered by the~~ dealers, questioning-probably the validity of the ~~amendment~~ amended Act.

3 Under the above circumstances, it may kindly be considered whether the work in connection with the election of members to the Committee should also be postponed again, till the present writ petition is finally decided by the High Court.

Sd.....
Secretary.

(True copy)

Sd
2-2-55

~~Sharex Max~~

Copy of letter No.Ref.A.5.26053/54 dated 21-1-1955 from the Collector of South Kanara, Mangalore, to the Director of Agriculture, Chepauk, Madras-5.

Sub:- Committees - South Kanara Market Committee - Constitution by elected members - Printing of Electoral Rolls and publication - Certain legal points - Instructions - Requested

Ref:- From the Secretary, Market Committee, Mangalore, letter Roc.No.9/51 dated 18-1-55.

I invite kind attention to the letter cited of the Secretary, South Kanara Market Committee, Mangalore, a copy of which has already been submitted by him to you. I enclose a copy of the writ petition received by me from the High Court of Judicature, Madras referred to in the said letter of the Secretary South Kanara Market Committee.

2. I request that the orders of the Government may kindly be obtained urgently whether the work connected with (a) the preparation and publication of the electoral rolls and (b) the Election of the members to the South Kanara Market Committee, which(forms)work is in progress in all Taluks of the District could be proceeded with or not.

(True Copy)

for Director of Agriculture.

VS/2.2.

Express.
Ref.A5/23068/54.

South Kanara Collector's Office,
Mangalore, Dated: 3-2-55.

From
Sri A. Krishnaed,B. .,
Collector of South Kanara,
Mangalore.

To
The Secretary to Government,
Agricultural Department,
Fort St. George,
MADRAS.

Sir,

Sub:- XIII ITT 33 - South Kanara Market Committee - Constitution by elected members - Printing of Electoral Rolls and Publication - Certain legal points - Instructions - Requested.

Ref:- No.C1/1934/54, dated: 2-2-1955.

SECOND ASSISTANT SECRETARY
7-FEB 1955
AGRICULTURE DEPARTMENT

The work is in two distinct stages. The first is preparation and publication of Electoral Rolls. The second is the election of members when the ~~Writ Petition~~ High Court has not stayed the former I do not see why it should come to stand still and depend upon the result of the writ. Even if a name is/to be included in the Electoral Rolls later, and Registering Authority could do without much difficulty. It is submitted that the Electoral Rolls need not be held up The Government Pleader, may however be consulted.

Yours faithfully,

5-2-55.
For Collector.

E.N./5.2.

Copy to: ~~Secretary~~
Director of Agriculture, Madras.

Agre. (A&V)

Memo. No. 9067 A&V/55-1 d. 24.2.55

Sub:- Committees - South Kanara Market Committee - Printing of electoral rolls -

Ref: (1) From the D.A. No. C1.1934/54 dated 2/2/54.

(2) From the Collr. of S. Kanara Ref. A5/40537/54 d. 5/2/55. addressed to Govt. & copied to the D.A.

The attention of the D.A. is invited to the letter from the Collr. of South Kanara second cited. The Director is requested to offer his remarks on the Collrs suggestion letter, with particulars on the suggestion to consult the Govt. Pleader in the matter.

2. An early reply is requested.

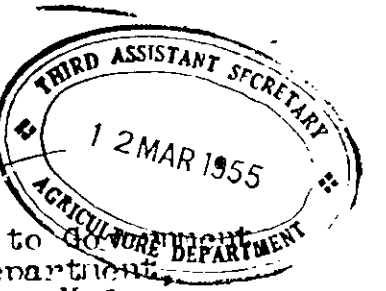
24/2/55

To

The D.A.

R. 16/3/55

CENTRAL DESPATCH BRANCH
Van.
Pc
Despatched by
105 Despatched 25-2-55 Initials



Agriculture Department

From
Sri M.S.Sivaraman, I.C.S.
Director of Agriculture,
Chepauk - M a d r a s.

To
The Secretary to Government,
Agriculture Department,
Fort St. George, Madras.

No.C.1.1934/54 dated 10-3-55.

Sir,

Sub: Committees - South Kanara Market Committee - Printing of Electoral Rolls.

Ref: Government Memorandum No.9067 B.IV/55-1 Agriculture Department dated 24- 2- 55.

I agree with the line of reasoning adopted by the Collector of South Kanara. As however the matter may have legal implications, later on, Government may perhaps ascertain the Legal position also as suggested by him.

Sd. V. Satagopan,
For Director of Agriculture.

(by order)

Asst. Marketing Officer.

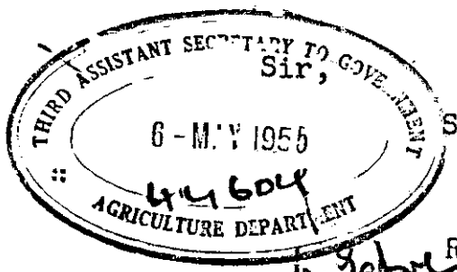
RR/11-3.

AGRICULTURAL DEPARTMENT

From
Sri M.S. Sivaraman, I.C.S.,
Director of Agriculture,
Madras.

To
The Secretary to Government,
Agriculture Department,
Fort St. George, Madras.

C.1.1934/54 dt. 28-4-55.



Sir,

Sub: Committees - South Kanara Market Committee - Printing of Electoral rolls.

Ref: 1. Government memorandum No.9067 BIV/55-1 Agriculture Department dt.24-2-55.
2. My letter No.C.1.1934/54 dt.10-3-55.

In continuation of my letter cited, I submit that the State Marketing Officer, Madras visited Mangalore in the second week of this month for a preliminary discussion of the Proposal of the South Kanara Market Committee to take a suitable premises on lease and starting a Regulated Market, with the commission agents concerned. In the course of the discussion a feeling was expressed by one section of the trade that the elections to the Committee should be proceeded with urgently and that the persons who have extended cooperation right from the beginning by taking out licences and complying with all the regulations should not be made to appear ludicurous by allowing the dissentients to have it easy by escaping from their past liabilities.

2. The latter is to be considered by the Committee. On the former it was submitted to Government in letter No.C.1.1934/54 dt. 2-2-55 that considering the financial implications a little hestitation might be expedient. Subsequently the Collector of South Kanara in his letter No.A.5.26053/54 dt.5-3-55 to Government, held the view that simply because of the writ petitions by two traders the entire work of election proceedings need not be held up and the views of the Government Pleader, High Court, Madras might also be taken, if necessary. This view was also endorsed in letter No.C.1.1934/54 dt.10-3-55. I request that very early orders may kindly be passed based on such advice as might have been given by the Government Pleader as the delay in the conduct of elections is ~~the~~ having some kind of demoralising effect in South Kanara District.

Sd. V. Satagopan,
For Director of Agriculture.

Copy to the Collector of South Kanara, Mangalore with reference to the reminder in his letter No.A.5.2605/54 dt. 15-4-55. It is suggested that the final orders of Government may be awaited.

/By order/

S.V. Ramamurthy
ASSISTANT MARKETING OFFICER.

Br.3.5.

Agri (A IV)

Memo No. P.67 A IV/55-1 dt 26-11-55

Sub: Committees - S. Kanara Market Committee - Elections work - Proceeding with

Ref: Correspondence resting with the Lr. from the D.A. Madras No. C1. 1934/54. d. 3. 10. 55

The attention of the D.A is invited to the certified copy of the interim order passed by the High Court, Madras on the writ petitions submitted by the traders of S. Kanara, copy sent to him by the Spl. Govt. Pleader, Madras with his letter No. P327 d. 5-11-55. This interim stay order does not prevent the work relating to the preparation of electoral rolls being proceeded with. The Govt. are therefore advised that the Collector of S. Kanara may go ahead with the preparation of electoral rolls, etc., so that he can conduct election to the Committee immediately after the High Court's decision on the writ petition is known, provided there is otherwise no objection under the Market

Committee Election Rules, to the preparation of the electoral rolls being completed now, as the intention is to postpone the holding of elections till after the disposal of the writ petition. The D.A. is requested to examine this aspect of the question and report urgently whether (which) the preliminary work to the election such as preparation of electoral rolls, etc. may (with) must be proceeded and completed and whether the actual election may be conducted after the High Court's decision (on the writ petition) is known.

2. An early reply is requested

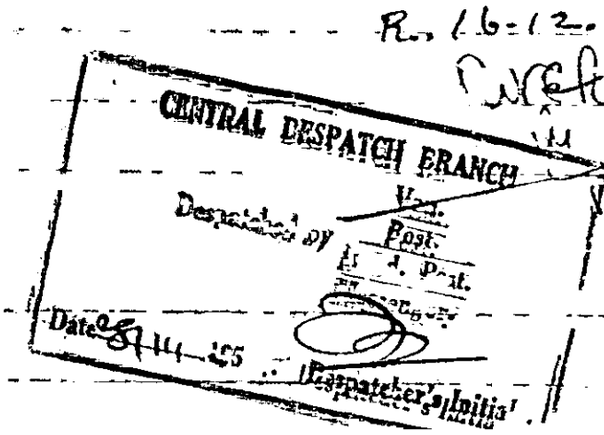
Sd/-
25.11.55.

26/11/55

26.11.55

To the D.A.

R. 16-12-55



Agricultural Department

From
Sri P.P.I. Vaidyanathan,
Bar-at-law, I.C.S.
Director of Agriculture,
Chepauk, Madras.

TO
The Secretary to Government,
Agriculture Department,
Fort St. George, Madras

SECRETARIAT 16 JAN 1956 AGRICULTURE DEPT.

FIRST ASSISTANT SECRETARIAT TO GOVERNMENT 4037 13 JAN 1956 AGRICULTURE DEPARTMENT

No.C1.1934/54 date. 5.1.56

Sub: Committees - South Kanara Market Committee - Election work - proceedin with - remarks - offered

Ref:- i) Government Memorandum No. 9067 A IV/55-6 Agriculture Department dated 26.11.55
ii) Government Memorandum No.9067.A.IV/55-7 Agriculture Department dated 23.12.55.

According to Rule 2. .. of the Madras Commercial Crops Markets (Election) Rules 1940, the Electoral roll has t be prepared at least within six months from the date of appointment of the members of the Committee. Under the proviso t this rule the Government may in special circumstances extend the period for the preparation of the electoral rolls of growers for such time as they may think fit.

2. As the election will be held only after the High courts decision on the writ petition is known, the preliminary work etc. for the preparation of the rolls can be prepared and kept ready. The question of printing the roll can however be taken up after the legal impediments are cleared as it may take time for the disposal of the writ petition and as such delay will result in the further revision of the rolls. In the circumstances, the Collector of South Kanara may take necessary steps to do all preliminary work for the preparation of the electoral rolls and keep them ready for printing which can be done when the legal impediments are cleared. It has already been reported to Government in letter No.C1.1934/54 dated 2/2/55 that the printing of electoral rolls and other election procedure would cost a ti dy amount. The Committee has already spent something for printing the list in 1953. It will, therefore, be desirable in the interest of economy, that the Committee is not saddled with necessary expenses connected with election work. After the rolls are prepared, the printing can be undertaken after the decision of the Committee is known.

Sd/M.Obaidullah Shah,
for Director of Agriculture.

/by order/

rb/6-1-10/1

Asst. Marketing Officer 11.1.56

Pl. item 6 date Pl cosne ons 6.2.56

Jne. (AIV)

Memo. No. 9067 AIV/55-40 d. 6.2.56

Sub:- Committees - South Kanara Market Committee - Election - Preparation of electoral rolls.

p.1 Ref:- (i) From the D.A. No. C1.1934/54 dated 21.2.55.

p.7 (ii) From the Collr. of S. Kanara Ref. A5/26053/54 d. 5/12/55.

p.11 (iii) From the D.A. No. C1.1934/54 dated 10/8/55.

p.13 (iv) From the D.A. No. C1.1934/54 d. 18/4/55

p.17 (v) From the D.A. No. C1.1934/54 d. 5/11/55

The Collector of South Kanara is requested to go ahead with the preparation of electoral rolls of growers and keep them ready in manuscript. The question of printing of the rolls & the holding of elections may be taken up after the High Court's decision on the writ petition No. 18 of 1955 is known.

cf. M. p.15

CENTRAL BRANCH

D.

Sec.

Sec. to Govt.

(Coo. 9070 AIV/55)

To

The Collr. of S. Kanara

11 Dn

20/1/56.

21.1.56

24/1/56

Cnv. 9067/Ser/55

Agre. (Ser IV).

Sub:- Committees - South Kanara Market Committee - Elections - Work - Proceeding with.

Ref:- (1) From the DA No. C1. 1934/54 dt. 21/4/55.
(2) From the Collr. of South Kanara Rly. A5/26058/54 dated 5/2/55.
(3) Issued as Memo No. 9067 Ser IV 55-1 dt. 24/2/55.
(4) From the DA No. C1. 1934/54 dated. 10/8/55

10 As.

In certain batch prosecutions launched & files by the S. Kanara Market Committee about 2 years ago, against some merchants the accused were acquitted as the Judge held that the notification Constituting the South Kanara Market Committee was not validly published as laid down in the Rules. The Committee's ~~constitution~~ was therefore declared not to have been validly constituted. ~~Legislation was undertaken to rectify the legal defect.~~ In view of this judicial decision preparation of electoral rolls & actual conduct of elections were reviewed.

2. Legislation to rectify the defects pointed out by the Judge has since been passed in Madras Act XXVI of 1954. In view of this measure the Committee has since resumed the work regarding the conduct of elections.

3. In view of the validation of the

P.T.O

constitution of the South Kanara Market Committee by the Madras Act XXVI of 1964, the Committee launched prosecutions proceeded against certain merchants for non-payment of the levies ~~made by the M~~ due to it. The trial When the cases came up for trial before the D.M. Mangalore, they were adjourned as the dealers merchants have obtained interim stay ~~orders~~ of the prosecution cases on the writ petitions filed by them

4. The question whether in the light of these subsequent developments work relating to elections can be proceeded with has arisen for consideration. The D.A. has stated that with a writ petition hanging it may not be expedient to incur any liabilities regarding elections for the present and that the Collr. of S. Kanara be instructed to hold the work in abeyance. The Collr. however states that the work in question consists of two stages - (1) preparation and publication of electoral rolls; and (2) actual conduct of elections. As the High Court has not stayed the work relating to the preparation of electoral rolls, the Collr. states this item need not be held up and has suggested that the Govt. Pleader may be consulted. The D.A. who originally recommended against proceeding with the work relating to elections now agrees

para 2, pp 3 & 4

"

× Rejoinder para 10 p 12, and

¶ para 3, p 9
para 3 p 8
& para 11, p 5 & 7

para 3, p 14

¶ p 7

✓ para 3 p 11

11 cf

with the subsequent suggestion of the Collr. of S. Kanara that the Govt. Pleader should be consulted in the matter.

In the circumstances it is for consideration whether the suggestion of the Collr. of S. Kanara to consult the Govt. Pleader will be accepted.

Law (opinion) may see for remarks.

2/4/55

5.4.55

2. There appears to be no need to consult the G.P. The S. Kanara Market Committee Constitution has been validated. There can be no objection to begin the preparation of the electoral rolls even now. The question of printing the rolls if it is usual to print them & take steps to hold elections may perhaps be deferred till a decision is reached in the Writ petition in the High Court in the Case of S. Kanara Market Committee & the Supreme Court decisions on the appeals if be for or against the validity of the Market is known.

Law (opn)

7/4/55

10/4/55

D.S.

ASSISTANT SECRETARY
13 APR 1955
5322
LAW DEPARTMENT, MADRAS

12/4/55

G.O. No. 9067 Bgv/55-2

LAW DEPARTMENT.

The question raised will have to be decided with reference to the terms of the actual interim stay orders passed by the High Court. Agriculture may, therefore, be requested to put up the concerned file for reference.

M

ksr 2.4.55

25/4/55

Agri (BIV) Law u.o. 5322/55-1

25.4.55.

Jo As.

The file referred to is linked below.

The case may now be sent back to Law.

ASSISTANT SECRETARY 26 APR 1955 AGRICULTURE DEPARTMENT

26/4/55

27/4/55

SR 30/4/55

41485 Fr 2067/55.

Law

Agri u.o. 9067 BIV/55-3 2-6-55 with 2 F. Coss 9070 BIV/55

LAW DEPARTMENT.

The copies of the interim stay orders referred to at M above are not in the linked file put up for reference. Agriculture may, therefore, be requested to obtain the same from the Special Government Pleader and then send the file for the remarks of this Department.

ASSISTANT SECRETARY 3 MAY 1955 LAW DEPARTMENT, MADRAS

N

ksr 6.5.55

6/5/55

Agri

Agri

(From the DA No. C1-1984/54 dated 28/4/55) p BIV

(with F.F.) Law u.o. 6236/55 6.5.55

THIRD ASSISTANT SECRETARY TO GOVERNMENT 7-MAY 1956 AGRICULTURE DEPARTMENT

4480

To As.

The letter from the DA on p. 13 cf together with notes of Law at 'N' on p. 4 above may be perused.

2. As the DA himself has intimated the Collr. of South Kanara that the final orders of Govt. may be awaited, it does not appear necy. to take any action on the DA's letter pending a decision in the matter relating to the conduct of elections to the South Kanara Market Committees.

3. As suggested by the Law Dept. at N on p. 4 above, the Spl. GP. may be asked to obtain a copy of the interim stay orders of the High Court referred to. A draft Memo. to the Spl. GP. is subd. for LF below for approval.

4. This may lie over till 25/5/55 or till the Spl. GP's reply is recd. in the linked file whichever is earlier for sending the case back to Law Dept. for their remarks as desired.

Ps. 134

S 'N' p. 4 above

Delinked

Delivered

LF Z

Seen by As vide 'R' note below

× 'N' p. 4 above

Do 9/5/55

9.5.55

10/5/55

DS

13/5/55

Agn. BIV

To As.

The reply from the Special Govt. Pleader referred to at 'S' on p5 above is awaited and ~~the same file be sent to Law dept for their remarks~~ This may continue to lie over till 15-6-55 or till the Special Govt.

× Cis. 3070/55

9067/55

Pleader's reply is received whichever is earlier.

SOR
31-5-55 16/6/55.
2.6.55

SR
3/6/55.

O As

The reply from the Spl Govt. Pleader referred to at S. above is still awaited. This may again continue to lie over till 1-7-55 or the Spl. Govt. Pleader's reply referred to is rcd whichever is earlier

SOR
5-6-55 15/6/55
15.6.55

Examine the position now set out in Pl. put up a note

SR
16/6/55

Jo As.

Resolved. (Previous notes need not be read).

The case relates to the qn. whether the Collr. of South Kanara will be ~~permitted~~ in a position to proceed with the preparation of electoral rolls in connection with the arrangements for holding the elections to the S. Kanara Market Committee. This doubt arose on account of a writ petition against the Committee now pending before the High Court. This Dept. expressed the view that as the Constitution of the South Kanara Market Committee was validated by Madras Act XXVI of 1954, there appeared to be no need to object to ~~for~~ enable the Collr. to proceed with the work relating to the preparation

para 4, pp 2-3 above

× pp in top file (SNO. 9070/55) titles on p. 3 above

× not put up

9067/55

of electoral rolls. Law dept. held that the Govt. would have to be decided with refce. to the terms of the actual injunction orders, if any passed by the High Court on the writ petition. The Spl. Gov. was asked to forward a copy of the injunction order, if any passed by the High court. His reply is still awaited.

For orders whether this may continue to lie over till 7/7/55 or till the copy of the injunction order refd. to is recd. from the Spl. Gp., whichever is earlier.

24/6/55 — 24/6/55

25/6/55

To As

The Spl. Govt. Pleader was asked to forward a copy of the injunction order if any passed by the High court on writ petition and his reply is still awaited. This may continue to lie over till 25.7.55 or till the copy of the injunction orders refd. to is recd from Spl. G.P. whichever is earlier

8.7.55 — 8/7/55

9.7.55.

Agri. Asst

To As

The Spl. Govt. Pleader was asked to forward a copy of the injunction

P.O. 67 Adv/55 9067/W

order if any passed by the High Court on writ petition and the reply is still awaited. This may continue to lie over till 20.8.55 i.e. 25.6.55 or till the copy referred to above is received from the H.C.P. whichever is earlier.

x Expunged in G.R. 154 & 7/8/55

4.8.55 4/8/55 SR 6/8/55

5.8.55

A.S.

Orders above.

The reminder may be received from the D.A. as per ref. may be perused.

A Memo is invited to the notes at pp 17 & 18 ante in the Kof file (C. No. 9070 Adv/55). The Spl. Govt. Pleader, Madras is being asked in that file to send a copy of the order of the High Court granting interim stay and also copies of any other relevant orders of the court passed if any, restraining the activities of the S. Kanara Market Committee. A copy of the Memo will be also be sent to the D.A. and the Collector of S. Kanara. Further action

P.O. 67 A.W./55

in this file may be taken consultation with Law Dept. with ref: to their note, at 'N' on P4 above, after receipt of the reply from the Spl. Govt. Pleader in the top file.

This may be kept over till 26-10-55 or till the receipt of the Spl. G.P.'s reply in the top file, whichever is earlier

Sd
8-10-55
10.10.55

Sd/-
15/10/55

20-A-S-

Orders above

Attention is invited to the interim report reply since received from the Spl. Govt. Pleader at P85 of the top file. The Spl. Govt. Pleader has applied for a copy of the interim order made by the High Court in the Writ petition

This may be continued to lie over till 22-11-55 or till the receipt of the Spl. Govt's reply in the top file, whichever is earlier

Sd
4-11-55
5.11.55

Sd/-
7/11/55

AGRICULTURE (A.IV) DEPARTMENT.

To: A.S.

~~The case relates to the question whether the Collector of South Kanara can proceed with the preparation of electoral rolls and the actual conduct of elections to the South Kanara Market Committee on account of a writ petition filed against the committee now pending before the High Court, Madras.~~ The facts of the case are briefly as follows:-

The L.C.C.L. Act, 1933 was applied to the South Kanara district in 1949 in respect of coconuts and its products and arecanuts. The applicability of the Act to the District was however held invalid by the Sessions Judge, Mangalore, in certain prosecution cases due to a flaw in the procedure followed for publication of the notification extending the Act to the District. As a result of this judicial decision, the activities of the South Kanara Market Committee were at a stand still. The L.C.C.L. (Amendment) Act 1954, however legalised the constitution of this committee enabling it to resume its activities. In spite of this some of the arecanut dealers in the District continued to contravene the provisions of the Act by non-payment of cess and by failure to register themselves as traders. The Committee thereupon filed complaints against these dealers under section 5 of the Act in the Court of the Judicial Magistrate, Mangalore. When the case was taken up for trial on 15-1-1955, the dealers filed a writ petition in the High Court, Madras, praying inter alia for the issue of a writ of Mandamus or any other appropriate writ or order directing the Respondents (Collector and the Market Committee) to forbear from enforcing the provisions of the Act, Rules and Byelaws against them and also to stay the trial of the cases taken up by the District Magistrate, Mangalore, pending disposal of the writ petition. An interim stay order on the above trial was reported to have been issued by the High Court and the cases were accordingly adjourned.

(a. I.F.II-CV. 82)

2. In view of these subsequent d velopments, the Collector of South Kanara raised a question in January 1955 whether the work connected with the preparation and publication of the electoral rolls and the election of the members to the South Kanara Market Committee could be proceeded with or not. He suggested that as the High Court has not stayed the work relating to the preparation of electoral rolls, this item of work need not be held up and that this work might, therefore, be proceeded with after consulting the Government.Pleader. The Director of Agriculture who was originally against incurring any liabilities regarding elections for the present, in view of the pending writ petition, subsequently agreed with the Collector of Malabar and suggested that the Government Pleader might be consulted as desired by the Collecto

3. As the constitution of the South Kanara Market Committee has been validated by the Government, this Department considered that there could be no objection to begin the preparation of the electoral rolls even now and that the holding of elections might, if necessary, be deferred till the High Court's decision ~~to know~~ on the writ petitions and the Supreme Court's decision on the appeals filed to them by certain merchants questioning the validity of the M.C.C.M. Act. No consultation with the Government Pleader, Madras was considered necessary. Before taking a final decision in the matter on the advice given by the Law Department, the Special Government Pleader, Madras was asked in Government Memorandum No.9070 B.IV 55-7, Agriculture dated 10-5-1955 to state whether th High-Court has passed any injunction orders on the above writ petition restraining the activities of the South Kanara Market Committee and if so to forward a copy of it for reference of the Government. He has since submitted a certified copy of the interim order passed

the High Court. It will be found at pp.89-91 c.f. in file C.No.9070 A.IV/55. It is only ordered therein that the status quo ante W.P.No.18 of 1955 on the file of the High Court (before 7-1-1955) may be maintained till the disposal of the said W.P.No.18 of 1955, i.e., permission to export in the case of the petitions should be governed by the orders of the Collector of Central Excise, Madras dated 25-3-1955. There is no implication in this order questioning the constitution of the South Kanara Market Committee and restraining the election and other allied work connected with the Committee. There does not, therefore, seem to be any harm in asking the Collector of South Kanara to go ahead with the perliminary work such as preparation of electoral rolls, etc., so that he can conduct elections to the Committee immediately after the High Court's decision on the writ petition is known.

Law may see for remarks with reference to their note on p.4 above.

11.11.55

12/11/55

Law (Opinions) Department.

A above: It is clear that the interim stay orders do not prevent the work relating to the preparation of electoral rolls being proceeded with. But Agriculture may satisfy themselves that under the Market Committee Election Rules, there is otherwise no objection to the preparation of the electoral rolls being completed now, as the intention is to postpone the holding of elections till after the

ASSISTANT SECRETARY 15 NOV 1955 15703 MADRAS

9067 A IV/55

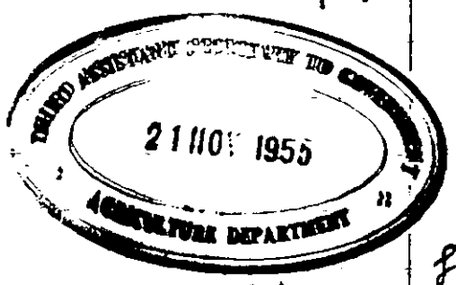
disposal of the writ petition.

-L
21/11/55

LD
21-11-55
ADS

Agri

Gen VO 15703/55/1
21/11/55



Agri (R.D.)

20 A-S.

Orders of Law Dept from the bottom of p/12 above may be perused.

With ref: to their suggestion at (i) on p/12 above, the D.A. may be consulted.

A draft memo is submitted for approval

Sen
25.11.55
26-11-55

Sen
26.11.55

p/15 16 cf (Issued as Memo No. 9067 A IV/55-6, dtd. 26/11/55)
p/17 cf (From the DA. No. C1 1934/54 dated 5/1/56).

To As.

The DA.'s reply at p. 17 cf. to the Memo. on pgs. 15-16 cf. is subd. for perusal.

2. The case relates to the question of proceeding with the ~~work~~ preliminary work connected with the preparation of electoral rolls of growers of S. Kanara Dt. before the actual conduct of elections to the S. Kanara Market Committee. This work was held up for a time due to the Constitution of the Committee being held invalid by the Court. This defect was rectified by Madras Act XXVI of 1954 which validates the Constitution of the Committee. The question of preparation of electoral rolls & the conduct of elections to the S.K. Market

para 2, p. 1 above

Rules & Acts as above

Rules of Law, p 4 above

'B' & 'A', p. 12 above

M', p. 12 above

pp 15-16 C

p 17 C

Committee was again examined in the light of the Amendment Act referred to but it had to lie over pending receipt of the certified copy of the interim injunction orders passed by the High Court on the writ petition filed by certain traders questioning the validity of the M Cttee Act. The Court's injunction orders since recd. do not prevent the work relating to the preparation of electoral rolls being proceeded with. But Law Dept stated that the Dept. should satisfy themselves that under the Market Committees' Election Rules, there is otherwise no objection to the preparation of electoral rolls. The D.A. was consulted on this point. The D.A. states that the electoral rolls may be prepared and kept ready and that they may be printed after the writ petition is disposed of by the High Court when only the elections will be held. In the circumstances it is for consideration whether the Collector of Chittoor Committee may be asked to prepare the rolls in manuscript & to take up printing of rolls & the work relating to the actual conduct of elections after the High Court's decision on the writ petition is known. Subject to orders, a draft M is submitted. Law may see before issue

M 1

LW
29.1.56.

11.1.56

Law

M above. This may be approved

SR
29/1/56

29/1/56

DS

Law

ASSISTANT SECRETARY
31 JAN 1956
1536
DEPARTMENT, MAD

906TAM/55-9

30.1.56.

LAW DEPARTMENT.

Seen in law.

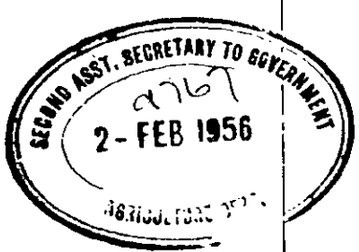
1.2.56

~~A.O.S~~

Agri

Agri

Law U.O. 1536/56-1
1/2/56



Agri (A IV)

The draft memo below may now issue.

3.2.56

3/2/56

P 1906.

Returned as Memo. 9067 A IV/55-10
Agri 6.2.56.

GOVERNMENT OF MADRAS.
AGRICULTURE DEPARTMENT
Memorandum No.118627BIII/54-1 dated the 28th September, 1954.

Sub: ACTS - Madras Commercial Crops Market (Amendment) Act, 1954.

As the Director of Agriculture may be aware the Madras Commercial Crops Markets (Amendment) Bill, 1954 as passed by the Legislature was assented to by the Governor on 7.9.1954 and has been published as Madras Act XXVI of 1954 in Part IV-B of the Fort St. George Gazette dated the 15th September 1954. With the passage of the Amending Act, the defects pointed out by the High Court in its judgment on the writ petitions challenging the validity of the Madras Commercial Crops Market Act have been rectified. The enactment has incidentally been brought inconsonance with the provisions of the constitution. The Amending Act also ensures against the notifications relating to the Constitution of Market Committees being declared void purely in view of certain routine defects in the modes of publication.

The Director of Agriculture is requested to apprise all concerned of the enactment of the position stated in the foregoing paragraph.

S.Venkataraman,
Assistant Secretary to Government.

To the Director of Agriculture.

Copy to the Collectors of South Arcot,
Coimbatore,
Malabar,
South Kanara,
Ramanathapuram,
Tirunelveli and
North Arcot.

Copy to All Market Committees.

Forwarded/By Order/

N. P. [illegible]
SUPERINTENDENT

PKG.
29.9.